

PTO/SB/61 (3-98)
Approved for use through 09/30/2000. OMB 0651-0031
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)
LEN 101

First named inventor: **M. Rigdon Lentz**

Group Art Unit: **3762**

Application Number: **09/083,307**

Examiner: **P. Bianco**

Filed: **May 22, 1998**

Title: **METHOD AND COMPOSITIONS FOR TREATMENT OF
CANCERS**

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703)305-9282.

The above-identified application became abandoned for failure to receive a timely and proper reply to the Decision on Appeal
mailed on 02/12/02, which set a 2 month/day period for reply. The abandonment date of this application
is 04/15/02 (i.e., the day after the expiration date of the period set for reply plus any extensions
of time obtained therefor).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed
before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- small entity - fee \$ _____ (37 CFR 1.17(l)).
 - small entity statement enclosed herewith.
 - small entity statement previously filed.
- other than small entity - fee \$ _____ (37 CFR 1.17(l)).

X No fee is due; abandonment was caused by PTO error.

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Response Under 37 C.F.R. 1.196(b) (identify the type of reply):

- has been filed previously on April 12, 2002.
- copy is enclosed herewith.

B. The issue fee of \$ _____

- has been paid previously on _____.
- is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case.
Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark
Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for
Patents, Washington, DC 20231.

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PTO/SB/61 (3-98)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**
3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the number of months from the date of abandonment to the filing of this petition is enclosed herewith.

- 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed. An adequate showing that there was no delay in filing the required reply, and that abandonment was in error on the part of the PTO, is enclosed (see attached).**

8/24/02

Date

P

Signature

 Telephone
 Number: (404) 817-8473

Patrea L. Pabst, Esq.

Typed or printed name

 Holland & Knight LLP
 2000 One Atlantic Center
 1201 West Peachtree Street NE
 Atlanta, Georgia 30309
Enclosures: Fee Payment

- Reply
- Terminal Disclaimer Form
- Small Entity Status Form
- Additional sheets containing statements establishing unavoidable delay
- Re-transmission of Response by fax on 06/06/02

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

08/23/02

Date

Pam Turnbough

Signature

Pam Turnbough

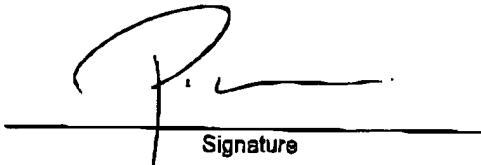
Typed or printed name of person signing certificate

PTO/SB/81 (3-88)

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displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY
UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

Date
8/24/02

Signature

Patrea L. Pabst, Esq.

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

The Response to the Decision on Appeal (mailed February 12, 2002) was in fact timely filed by facsimile on April 12, 2002, and receipt was confirmed. Nevertheless, a Notice of Abandonment was mailed on May 31, 2002, stating the reason for abandonment to be that "the period for seeking court review of the decision has expired". Upon receipt of the Notice of Abandonment on June 6, 2002, the Response of April 12th was immediately re-transmitted by fax, and receipt was confirmed. Since June 6th, no communication from the PTO has been received. Telephone calls to the Examiner were made on July 25, 2002 and again on August 22, 2002, and were not returned.

(Please attach additional sheets if additional space is necessary)

* * * COMMUNICATION RESULT REPORT (JUN. 6. 2002 11:10AM) * * *

TTI HOLLAND & KNIGHT

TRANSMITTED/STORED JUN. 6. 2002 11:00AM
FILE MODE

OPTION

ADDRESS

RESULT

PAGE

4097 MEMORY TX

G3-AT:48473#077829#3#17033053590#

OK

58/58

703 308 5181 7/25/02 TC to Examiner
 (left message repecting statu)
 notice case if not abandoned
 703 305 482 7/25/02 also left message for Petrea Baskin
 Refaxed entire response filed 4/12/02

703 305 482 8/22/02 left another
 message re. statu

REASON FOR ERROR

E-1) HANG UP OR LINE FAIL

E-3) NO ANSWER

E-2) BUSY

E-4) NO FACSIMILE CONNECTION

Law Offices

HOLLAND & KNIGHT LLP

One Atlantic Center
 1201 West Peachtree Street, N.E.
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AUG 23 2002

PETITIONS OFFICE

FACSIMILE**TO:**

		Assistant Commissioner
<u>Examiner Angela D. Sykes</u>	<u>for Patents</u>	<u>703-305-3590</u>
<u>NAME</u>	<u>COMPANY/FIRM</u>	<u>FAX NUMBER</u>
<u>Washington</u>	<u>DC</u>	<u>703-308-5181</u>
<u>CITY</u>	<u>STATE</u>	<u>(TELEPHONE NUMBER)</u>

FROM:

<u>Petrea L. Pabst</u>	<u>404-817-8473</u>	<u>58</u>
<u>NAME</u>	<u>TELEPHONE</u>	<u>TOTAL PAGES (Including Cover Sheet)</u>

FOR THE RECORD:

<u>DATE: June 6, 2002</u>	<u>URGENCY: <input type="checkbox"/> SUPER RUSH</u>	<u><input type="checkbox"/> RUSH</u>	<u><input type="checkbox"/> REGULAR</u>
<u>FAXED BY:</u>	<u>FILE #: 077829/00008</u>		
<u>CLIENT NAME: LEN 101</u>			

AUG. 23. 2002 11:02AM HOLLAND & KNIGHT

Law Offices

HOLLAND & KNIGHT LLP

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FACSIMILE

TO:

Examiner Angela D. Sykes	Assistant Commissioner for Patents	703-305-3590
NAME	COMPANY/FIRM	FAX NUMBER
Washington	DC	703-308-5181
CITY	STATE	(TELEPHONE NUMBER)

FROM:

Patrea L. Pabst	404-817-8473	58
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet)

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DATE: June 6, 2002	URGENCY: <input type="checkbox"/> SUPER RUSH	<input type="checkbox"/> RUSH	<input type="checkbox"/> REGULAR
FAXED BY:	FILE #: 077829/00003	CLIENT NAME: LEN 101	

CONFIRMED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NAME:	TIME:
If you did not receive all of the pages or find that they are illegible, please call (404) 817-8500	CONFIDENTIALITY NOTICE: This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.	

MESSAGE:

Applicant: M. Rigdon Lentz Appeal No. 2001-2168

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Serial No.: 09/083,307 Art Unit: 3762

'AUG 23 2002

Filed: May 22, 1998 Examiner: P. Bianco

PETITIONS OFFICE

For: **METHOD AND COMPOSITIONS FOR TREATMENT OF CANCERS**

Re-fax of Response filed via fax on 4/12/02

ATL1 #528199 v1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,307	05/22/1998	M RIGDON LENTZ	LEN101	3835

7590 05/31/2002

PATREA L PABST
 ARNALL GOLDEN & GREGORY
 2800 ONE ATLANTIC CENTER
 1201 W PEACHTREE STREET
 ATLANTA, GA 303093450

EXAMINER

BIANCO, PATRICIA

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

6/6/2002

Case not abandoned

re fax in response of amendment
PATENT DEPT.they will notify case is
not abandoned

PV

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PETITIONS OFFICE

Notice of Abandonment	Application No.	Applicant(s)
	09/083,307	LENTZ, M RIGDON
	Examiner Patricia M Bianco	Art Unit 3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
 The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on 2/12/02 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
703 308 5181

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 4.181, should be promptly filed to minimize any negative effects on patent term.

* * * COMMUNICATION RESULT REPORT (APR. 12. 2002 6:04PM) * * *

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TRANSMITTED/STORED APR. 12. 2002 5:55PM
FILE MODE OPTION

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RESULT

PAGE

2512 MEMORY TX	G3-AT:48473#077829#00003#1703872930 OK 3#	56/56
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AUG 23 2002
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REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FAXSIMILE CONNECTION

SEAN HICKS
9

Docketed for _____
By: SPB _____
Date: 5-7-02